

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

BRANDON LIVAS, RICHARD BUSWELL,) CIVIL ACTION NO. 20-cv-00422
DEWAYNE CORBETT, JOHNNY SMITH,)
CARLOS LORENZO MARTIN and)
GAINES ANDREWS, on behalf of)
themselves and those similarly situated)
)
VERSUS) JUDGE DOUGHTY
)
)
RODNEY MYERS, Warden of Oakdale) MAGISTRATE JUDGE KAY
Federal Correctional Institutions; and)
MICHAEL CARVAJAL, Federal Bureau)
of Prisons Director, in their official)
capacities)

BOP'S SECOND COVID-19 INMATE REVIEW UPDATE

Pursuant the Court’s April 13 Memorandum Order (Doc. 10), the Bureau of Prisons (“BOP”) provides the following update to their April 9 (Doc. 7) and April 10 (Doc. 8) notices regarding the review of inmates for release, removal, or furlough at the Federal Correctional Complex-Oakdale (“FCC Oakdale”):

Conditions at FCC Oakdale

FCC Oakdale continues to take numerous steps to mitigate the spread of COVID-19 at each of its facilities as most recently discussed by its Clinical Director, Dr. Richard Griffin, M.D. *See Declaration of Dr. Richard Griffin, M.D., Doc. 13, Ex.*

There are currently thirty-two (32) ACTIVE confirmed cases of COVID-19.

See Declaration of Associate Warden Juan A. Segovia (“Segovia Decl. II”), attached

hereto as Exhibit 1. Fourteen (14) inmates have been determined to be medically cleared or determined to be recovered, and have been removed from isolation. *Id.* at ¶ 2. There remain no cases at FCI Oakdale II. *Id.* There has been one additional death, inmate Michael Lilley, who was previously transferred to an outside hospital on March 24, 2020. *Id.* at ¶ 3.

Release or Transfer of Inmates

The BOP continues to review inmates for release as appropriate under its guidelines. On April 15, 2020, additional guidance was received regarding furlough and home confinement. Segovia Decl. II at ¶ 5. The new guidance confirms the factors to be used when reviewing and referring inmates for home confinement: (1) Primary or prior offense is not violent; (2) Primary or prior offense is not sex offense; (3) Primary or prior offense is not terrorism; (4) No detainer; (5) Mental Health Care Level is less than IV; (6) PATTERN (BOP's risk and needs assessment tool) score is Minimum; (7) No Incident Reports in the past 12 months; (8) U.S. Citizen; and (9) Have a viable release plan. *Id.*

Currently twenty-seven (27) inmates have met the criteria and have been referred for further home confinement processing and review. Six (6) inmates have now been approved for early home confinement transfer. All of these inmates have been placed in pre-transfer quarantine. *Id.* at ¶ 7.

Further, of the sixty-eight (68) inmates at FCC Oakdale that are aged 65 or older, fifty-three (53) are ineligible for home confinement review because they have sex offenses, detainers, or exceed the minimum PATTERN recidivism score. Two

remain pending review for home confinement, and eight were denied after received individual review. Of the remaining five, one was given a date for transfer to a halfway house, three were approved for home confinement and are pending transfer, and one is pending a reduction in sentence motion with his sentencing court.¹ *Id.* at ¶ 8.

Moreover, rather than remove medical professionals from their front line duties to review the medical records of over 1,800 inmates assigned to FCC Oakdale, BOP staff have been reviewing *all* inmates who potentially qualify for home confinement under the factors identified above. Additionally, BOP staff examined rosters for those inmates classified as severely medically impaired, requiring daily nursing care, and those requiring frequent clinical contacts, and/or who may require some assistance with activities of daily living.

Based upon that review, eighteen (18) inmates were identified as fitting into these parameters. Of those, one is pending a halfway house referral, and one is pending transfer to a BOP medical facility. The remaining sixteen are ineligible for the home confinement review because they have sex offenses, detainees, or exceed the minimum PATTERN recidivism score.

Respectfully submitted,

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United States Attorney

BY: *s/ Karen J. King*
KAREN J. KING (#23508)

¹ At least eight (8) FCC Oakdale inmates have successfully pursued reductions in sentence with their sentencing court and have since been released. *Id.* at ¶ 4.

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